IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2797 OF 2005

Balasaheb Dattu Sanap and others Petitioners

versus

Prabhakar Bansi Sanap & others Respondents

V.Z.Kankaria for petitioners.

Harshad Palwe for respondents 1 to 3.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 3rd May 2005

PC :

1. The petitioners challenge orders passed by the authorities under the Maharashtra Land Revenue Code, 1966. The submission of Mr.Kankaria need not be gone into as Mr.Palwe for respondents points out that the petitioners have instituted Regular Civil Suit in the Court of Civil Judge, Junior Division, Niphad and even applied for temporary injunction. He points out that the application for temporary injunction has been rejected by the Trial Court on 20th October 2004.

2. In my view, it will be open for the petitioners to raise appropriate contentions including finality of the orders passed by the authorities in proceedings initiated under Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947. It will also be open for the petitioners to raise all contentions when challenging the order of the Trial Court in Miscellaneous Civil Appeal. Leaving all such contentions open for the petitioners as well as respondents in the pending suit, the present petition is disposed off. No order as to costs.

(S.C.DHARMADHIKARI, J.)